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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS COMMERCE COMMISSION)
On Its Own Motion)
) No. 07-0483
)
Development of net metering)
standards required by)
P.A. 95-0420)

Chicago, Illinois

October 4, 2007

BEFORE:

MS. CLAUDIA SAINSOT, Administrative Law Judge

APPEARANCES:

MR. MICHAEL LANNON and
MR. MICHAEL BOROVIK
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601
appearing for staff of the Illinois
Commerce Commission;

MS. SUSAN HEDMAN and
MS. KRISTIN MUNSCH
100 West Randolph, 11th Floor
Chicago, Illinois
appearing for People of the State of
Illinois and Office of the Attorney
General;

1 APPEARANCES (continued):

2 ROWLAND AND MOORE, by
MR. STEPHEN MOORE
3 200 West Superior Street, Suite 400
Chicago, Illinois 60601
4 appearing for Retail Energy Supply
Association;

5
MR. BRAD KLEIN
6 35 East Wacker Drive, Suite 1300
Chicago, Illinois
7 appearing for Environmental
Law & Policy Center;

8
MR. MICHAEL PABIAN
9 10 South Dearborn Street, 49th Floor
Chicago, Illinois 60603
10 appearing for Commonwealth Edison Company;

11 DLA PIPER US LLP, by
MR. JOSEPH E. DONOVAN,
12 MR. CHRISTOPHER J. TOWNSEND and
MR. CHRISTOPHER N. SKEY
13 203 North LaSalle Street, suite 1900
Chicago, Illinois 60601
14 appearing for The Coalition of Energy
Suppliers (Constellation NewEnergy, Inc.
15 Direct Energy Services, LLC, MidAmerican
Energy Company, and Peoples Energy
16 Services Corporation);

17 MS. SUSAN M. STEWART and
MS. KAREN HUIZENGA (via telephone)
18 401 Douglas Street, P. O. Box 778,
Souix City, Iowa 61102
19 appearing for MidAmerican Energy Company;

20

21

22

1 APPEARANCES (continued):

2 JONES DAY, by
3 MS. LAURA EARL (via telephone)
4 77 West Wacker
5 Chicago, illinois 60601
6 appearing for Ameren CILCO, Ameren CIPS,
7 and Ameren IP;

8
9 MS. CYNTHIA BONNER (via telephone)
10 550 West Washington Street, Suite 300
11 Chicago, Illinois 60601;
12 appearing for Constellation NewEnergy.
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20 SULLIVAN REPORTING COMPANY, by
21 PATRICIA WESLEY
22 License No. 084-002170

1 JUDGE SAINSOT: By the authority vested in me by
2 the Illinois Commerce Commission, I call Docket
3 07-0483. It is the Illinois Commerce Commission on
4 its own motion and it concerns development of net
5 metering standards required by Public Act 95420.

6 Will the parties present identify
7 themselves for the record, please.

8 MR. LANNON: Appearing on behalf of staff of the
9 Illinois Commerce Commission, Mike Lannon and Mike
10 Borovik, 160 North LaSalle Street, Suite C-800,
11 Chicago, Illinois, 60601.

12 MS. MUNSCH: Appearing on behalf of People of the
13 State of Illinois, the Office of the Attorney
14 General, Susan Hedman and Kristin Munsch,
15 100 West Randolph, 11th Floor, Chicago, Illinois,
16 60601.

17 MR. MOORE: Appearing on behalf of the Retail
18 Energy Supply Association, Stephen Moore of the law
19 firm of Rowland and Moore, 200 West Superior Street,
20 Suite 400, Chicago, Illinois, 60601.

21 MR. DONOVAN: Appearing on behalf of The
22 Coalition of Energy Suppliers (Constellation

1 NewEnergy, Direct Energy Services, LLC, MidAmerican
2 Energy Company and Peoples Energy Services
3 Corporation) of the law firm of DLA Piper US LLP,
4 203 North LaSalle Street, Suite 1900, Chicago,
5 60601, in the persons of Joseph E. Donovan and
6 Christopher Townsend.

7 MR. KLEIN: Appearing on behalf of Environmental
8 Law & Policy Center, Brad Klein, 35 East Wacker
9 Drive, Suite 1300, Chicago, Illinois, 60601.

10 MR. PABIAN: For Commonwealth Edison, Mike
11 Pabian, 10 South Dearborn Street, 49th Floor,
12 Chicago, Illinois, 60603.

13 MS. STEWART: Appearing on behalf of the
14 MidAmerican Energy Company, Susan M. Stewart and
15 Karen Huizenga, 401 Douglas Street, P. O. Box 778,
16 Souix City, Iowa, 51102.

17 MS. EARL: Appearing on behalf of Ameren CILCO,
18 Ameren CIPS, and Ameren IP, Laura Earl with Jones
19 Day, 77 West Wacker, Chicago, Illinois, 60601.

20 And, your Honor, I would just point
21 out that we also have a pending motion to admit Matt
22 Tomc pro hac vici.

1 JUDGE SAINSOT: Oh. I'm glad you pointed that
2 out because I don't see that on my list. You know,
3 I have two others, so why don't we just take all of
4 the appearances and then we'll go back to Mr. Tomc.
5 How's that?

6 MS. BONNER: Appearing on behalf of Constellation
7 NewEnergy, Cynthia Bonner, 550 West Washington
8 Street, Suite 300, Chicago, Illinois, 60601.

9 JUDGE SAINSOT: Are there any further
10 appearances?

11 (No response.)

12 Okay. Let's start with the pro hac
13 vici motion. Is Mr. Tomc on the phone?

14 MS. EARL: No, he's not, your Honor.

15 JUDGE SAINSOT: Well then, you don't really need
16 to admit him now.

17 MS. EARL: Would it be possible to rule on the
18 motion?

19 JUDGE SAINSOT: Yes, I guess. Where is he?
20 Where is he situated? Where is he licensed?

21 MS. EARL: In St. Louis, Missouri.

22 MR. PABIAN: Actually Matt's been admitted and

1 participated in the interconnection docket, too.

2 MR. LANNON: I forget what docket it was. I
3 raised a question of whether the state he is
4 admitted in, which I believe it's Missouri -- no.
5 Kansas --

6 MS. EARL: Kansas.

7 MR. LANNON: -- has reciprocal pro hac vici
8 procedures as Illinois, and, in fact, that was the
9 case.

10 JUDGE SAINSOT: It does. It does. It's only in
11 the states where everybody wants to live that's the
12 problem. Well, it's true of California, Arizona,
13 and Florida.

14 Okay. So Mr. Tomc is licensed in
15 Kansas; is that correct?

16 MS. EARL: Yes. He's a member of the Kansas bar.

17 JUDGE SAINSOT: Okay. I'll grant that motion,
18 but I will note for the record that Kansas has
19 reciprocity with Illinois.

20 All right. Mr. Fitzhenry is he --

21 MS. EARL: Mr. Fitzhenry is licensed to practice
22 in Illinois.

1 JUDGE SAINSOT: Oh. So this is now -- because I
2 don't have the motion in front of me, so
3 Mr. Fitzhenry probably was the one who filed the
4 motion to admit pro hac vici on behalf of Mr. Tomc.

5 MS. EARL: That's correct.

6 JUDGE SAINSOT: It all becomes perfectly clear.

7 And then, Ms. Stewart, you are
8 licensed in Iowa?

9 (No response.)

10 Ms. Stewart?

11 MS. STEWART: Sorry. I put mute on. Yes, I am
12 licensed in Iowa and Iowa has reciprocal pro hac
13 vici rights.

14 JUDGE SAINSOT: Your motion to appear pro hac
15 vici is granted.

16 Okay. So now we need to do the
17 petitions for leave to intervene. The petition for
18 leave to intervene of the Retail Energy Supply
19 Association does anybody have any objection to
20 granting that petition?

21 MR. PABIAN: None.

22 MR. LANNON: None from staff.

1 JUDGE SAINSOT: That petition is granted.

2 Petition for leave to intervene by the
3 AG's office on behalf of the People of the State of
4 Illinois does anybody have an objection to that?

5 MR. PABIAN: No, your Honor.

6 MR. LANNON: No objection.

7 JUDGE SAINSOT: The petition for leave to
8 intervene of the Coalition of Energy Suppliers any
9 objection?

10 MR. PABIAN: No objection.

11 MR. LANNON: No objection.

12 JUDGE SAINSOT: That being the case, that
13 petition is granted.

14 Constellation NewEnergy?

15 MR. LANNON: No objection.

16 MR. PABIAN: I think they maybe have a right to
17 appear because they're --

18 JUDGE SAINSOT: Well, AG has a statutory right.

19 MR. PABIAN: No objection.

20 (laughter.)

21 JUDGE SAINSOT: Okay. So the leave to intervene
22 is granted to Constellation NewEnergy, and that's

1 it.

2 Okay. The parties have engaged in
3 off-the-record discussions and they have agreed to
4 the following schedule: Informal comments shall be
5 submitted to staff on or before October 12th and
6 staff will issue a report and serve me with a copy
7 of it by November 1st and I will tender that to the
8 Commission as soon as possible for the issuance of
9 an emergency rule and just to remind you all that
10 that order should contain language setting forth a
11 status date for permanent rule.

12 Okay. Is there anything else?

13 MR. LANNON: Nothing from staff.

14 MR. PABIAN: No.

15 JUDGE SAINSOT: Okay. And, Mr. Klein, you are
16 going to get --

17 MR. KLEIN: Yes.

18 JUDGE SAINSOT: -- whatever --

19 MR. KLEIN: I'll be filing a petition for leave
20 to intervene immediately.

21 JUDGE SAINSOT: Okay. Have a good day,
22 everybody, what's left of it.

1 MR. LANNON: Thank you, your Honor.

2 (Whereupon, the above
3 matter was adjourned.)

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